

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL MINUTES

Date: January 28, 2013 JUDGE: Yvonne Gonzalez Rogers
Case No: C- 11-5236- YGR Time: 2:06pm-2:19pm AND 3:31pm-3:51pm
(related to C-12-3323-YGR)
Case Name: Theranos Inc. V Fuisz Tech

Attorney(s) for Plaintiff: David Boies
Michael D. Jay
Meredith R. Dearborn

Attorney(s) for Defendant: Jennifer Ishimoto

Deputy Clerk: Frances Stone Court Reporter: Raynee Mercado

PROCEEDINGS

CMC -- HELD

At the time of Case Management Conference, parties had four pending discovery disputes. Court ordered counsel to meet and confer regarding these issues.

Following meet and confer, the parties resolved three issues. The parties no longer require the Court's assistance as to the following:

- (1) Documents may not be shown to John Fuisz unless and until he is retained as counsel, at which time, Defendants must file a motion. Defendants will not show him any documents until the motion is resolved.
- (2) Depositions will occur regardless of whether the Court bifurcates. The parties reserve all rights regarding depositions.
- (3) Defendants agree to produce documents and will log all responsive, privileged documents on privilege log. The parties will work to resolve privilege issues resulting therefrom.

The sole remaining issue relates to documents that Plaintiffs wish to produce subject to data room/copying restrictions. The Court will refer this specific issue to a Magistrate Judge. A separate order will be issued for referral.

The Court will not bifurcate trial and will not separate claim construction from summary judgment. (This is inconsistent with the Court's normal practice and Standing Order.) In light of this, the parties shall meet and confer to propose a schedule. A compliance hearing will be held on 2/15/13 at 9:01 a.m. The parties are required to file a joint statement five (5) business days prior with their proposed schedule. If the Court intends to part significantly from the proposed dates, it will schedule a conference.